

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-CR-30-LJV

DUSTIN J. POST,

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

DAVID J. RUDROFF, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney in the Western District of New York and have been assigned to prosecute this matter.

2. I offer this affidavit in opposition to Defendant's motion to dismiss the indictment (Dkts. 15 and 21), and to supplement my previous affidavit, which I reincorporate as if fully stated herein.

3. On June 2, 2020, after Magistrate Judge Roemer issued his Report and Recommendation, I received a voicemail from Rebecca Petrucci, a legal assistant in the Chautauqua County District Attorney's Office. Ms. Petrucci stated that she believed she obtained a copy of the Certificate of Conviction underlying defendant's prior Sexual

Misconduct conviction. She informed me that she would be back in her office on Thursday, June 4 and asked that I contact her then.

4. On June 4, 2020, I was able to speak with Ms. Petrucci by phone. She informed me that the Silver Creek Village Court provided her with a Certificate of Conviction for defendant, and sent me a copy via email. I have attached a copy of the Certificate of Conviction that I received as **Exhibit A**. I immediately provided a copy of the same to defense counsel by email.

5. After my call with Ms. Petrucci, I attempted to call the Silver Creek Village Court to obtain additional *Shepherd* documents. I was unable to speak with anyone, as the court has extended its shutdown to the public due to the ongoing COVID-19 pandemic.

6. My efforts to obtain additional documents related to that conviction are ongoing. As I have informed defense counsel on several occasions, I intend to produce those documents as soon as I am able to obtain them.

s/ DAVID J. RUDROFF
Assistant United States Attorney

Subscribed and sworn to before me

this 19th day of June, 2020.

S/ JENNIFER L. ATKINS
COMMISSIONER OF DEEDS
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2020.